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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,196	03/10/2004	Thomas Fischer	Q78677	2445
23373 7590 03/29/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER GAMI, TEJAL	
			ART UNIT 2121	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/796,196	FISCHER ET AL.	
	Examiner	Art Unit	
	Tejal J. Gami	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/05, 08/02/04, 03/10/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the type" in Line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

3. Claim 1 recites the limitation "the start address" in Line 5 of the claim.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by

Adams et al. (WO 200060842 English Equivalent U.S. Patent Number:

6,803,854).

As to independent claim 1, Adams discloses a method for automatically configuring a technology module (Fig. 2) (see Col. 4, Lines 12-14), for representing and controlling a technical process system that is connected to a

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computer user station via at least one interface for transferring data (see Col. 4, Lines 27-67), comprising:

a user specifying the type of at least one process element of the process system and the start address of a memory module associated with the process element (see Col. 10, Lines 37-46); and

automatically completing the technology module by allocating at least one of a signaling element, an archive data element and a picture element to the process element (e.g., signaling apparatus) (see Abstract), wherein the technology module and the at least one signaling element, archive data element or picture element are stored as a logically connected unit (see Col. 9, Lines 20-34); and

wherein the logically connected unit is centrally processed and managed (see Col. 9, Lines 20-34).

As to dependent claim 2, Adams teaches the method as claimed in claim 1, wherein the data comprises at least one of process data, state data, open-loop data, and closed-loop control data (see Col. 5, Lines 52-67).

As to dependent claim 3, Adams teaches the method as claimed in claim 1, wherein a plurality of types of process elements are stored in a library (see Col. 6, Lines 1-5).

As to dependent claim 4, Adams teaches the method as claimed in claim 3, wherein the library is provided in the computer user station (see Col. 5, Line 56 to Col. 6, Line 5).

As to dependent claim 5, Adams teaches the method as claimed in claim 1, wherein the at least one signaling element, archive data element or picture element is assigned respectively to individual types of process elements (see Col. 5, Line 56 to Col. 6, Line 5).

As to dependent claim 6, Adams teaches the method as claimed in claim 5, wherein the at least one signaling element, archive data element or picture element is assigned to a group of types of process elements (see Col. 5, Line 56 to Col. 6, Line 5).

As to dependent claim 7, Adams teaches the method as claimed in claim 5, further comprising modifying the allocation of the signaling element, archive data element or picture element to the individual types of process elements (see Col. 5, Line 56 to Col. 6, Line 5).

As to dependent claim 8, Adams teaches the method as claimed in claim 6, further comprising modifying the allocation of the signaling element, archive data element or picture element to the group of types of process elements (see Col. 5, Line 56 to Col. 6, Line 5).

As to dependent claim 9, Adams teaches the method as claimed in claim 1, wherein the signaling element is configured to detect object-specific signals of the process element in the computer user station (see Col. 5, Line 56 to Col. 6, Line 5).

As to dependent claim 10, Adams teaches the method as claimed in claim 1, wherein the archive data element is configured to archive at least one of

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state data or process data of the process element in the computer user station (see Col. 5, Line 56 to Col. 6, Line 5).

As to dependent claim 11, Adams teaches the method as claimed in claim 1, wherein the picture element is configured to display at least one of object-specific signals, state variables or process variables of the process element on the user interface of the computer user station (see Col. 4, Lines 63-67; and Col. 5, Line 56 to Col. 6, Line 5).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Agrusa et al. (U.S. Patent Number 7,003,558) teaches method and system for communicating information and controlling equipment according to a standard protocol between two computers.

Gatto et al. (U.S. Publication Number 2003/0037335) teaches interactive television devices and systems.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejal J. Gami whose telephone number is (571) 270-1035. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Anthony Knight
Supervisory Patent Examiner
Tech Center 2100

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